

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|---|--|--|
| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) 061047-0265650 |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature_____ | Application Number 09/503,181 | Filed February 14, 2000 |
| Typed or printed name _____ | First Named Inventor Yair FRANKEL | |
| | Art Unit 2132 | Examiner Samson B. LEMMA |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

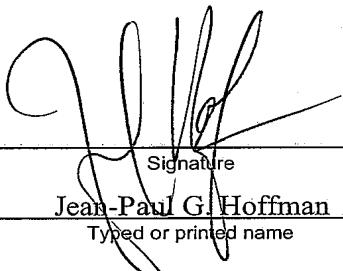
This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.
 assignee of record of the entire interest.
 See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
 (Form PTO/SB/96)
 attorney or agent of record.
 Registration number 42663.
 attorney or agent acting under 37 CFR 1.34.
 Registration number if acting under 37 CFR 1.34 _____


 Signature
Jean-Paul G. Hoffman
 Typed or printed name
703.770.7794
 Telephone number
March 5, 2008
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
 Submit multiple forms if more than one signature is required, see below*.

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | *Total of <u>1</u> forms are submitted. |
|-------------------------------------|---|

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket: 061047-0265650
Client Reference: SB-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 6203

FRANKEL ET AL.

Application No.: 09/503,181

Group Art Unit: 2132

Filed: February 14, 2000

Examiner: LEMMA, SAMSON B.

Title: CRYPTOGRAPHIC CONTROL AND MAINTENANCE OF ORGANIZATIONAL STRUCTURE AND FUNCTIONS

March 5, 2008

ATTACHMENT SHEETS TO PRE-APPEAL BRIEF CONFERENCE REQUEST

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated September 7, 2007 (“Office Action”) and the Advisory Action dated January 29, 2008 (“Advisory Action”) (collectively the “Actions”), Appellant hereby requests for the reasons below that a panel of examiners formally review the legal and factual basis of the rejections in this application prior to the filing of an appeal brief. This request is being filed with a Notice of Appeal.

APPEALED REJECTION

Appellant traverses and appeals the rejections of claims 1-15, 64 and 65 under 35 U.S.C. §102(e) in view of U.S. Patent No. 5,892,900 to Ginter et al. (“Ginter”) and of claims 16-63 and 66-67 under 35 U.S.C. §103(a) in view of Lampson et al., “Authentication in Distributed Systems: Theory and Practice”, ACM Transactions on Computer Systems, Vol. 10, No. 4, Nov. 1992, pgs. 265-310 (“Lampson”) and Ginter.

ARGUMENTS FOR TRAVERSAL

Rejection under 35 U.S.C. §102(e) in view of Ginter

Applicant notes for a rejection under 35 U.S.C. §102(b) “the identical invention must be shown in as complete detail as is contained in the ... claim.” (*See* MPEP § 2131, citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), emphasis added). Further, “the elements must be arranged as required by the claim.” (*See* MPEP

§ 2131, citing In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990), emphasis added). It is insufficient to merely identify in a reference each of the words of a claim. Rather, the reference must disclose each of the claimed aspects as understood to a person skilled in the art having regard to the specification as well as their exact arrangement and interrelationship as claimed. Applicant respectfully submits that the present rejections do not meet these requirements.

For example, Applicant submits that the cited portions of Ginter simply do not provide any disclosure or teaching (1) of organizing entities within an organizational structure of one or more business organizations, (2) that those entities have associated cryptographic capabilities, and (3) of organizing those entities as roles through associating corresponding electronic representations as recited in claims 1-4, 6-15, 64 and 65.

The Actions rely on column 303, lines 3-19, paragraphs 1500-1502 and paragraphs 1865-1866 of Ginter. Applicant respectfully submits that these cited portions of Ginter are silent as to the act or step of organizing entities, let alone doing so through associating electronic representations of entities with electronic representations of roles. Column 303, lines 3-19 and paragraphs 1865-1866 of Ginter merely indicate that users in the computer system of Ginter may have particular roles; paragraphs 1500-1502 say nothing about, for example, roles. Moreover, there is no disclosure that the users referred to in column 303, lines 3-19 and paragraphs 1865-1866 of Ginter have associated cryptographic capabilities. While Ginter may disclose cryptography in the general sense, it simply is silent as to those users having associated cryptographic capabilities. Further, paragraphs 1865-1866 of Ginter merely discuss techniques for an attacker of Ginter's system to determine sensitive data and don't disclose that entities have associated cryptographic capabilities.

The mere existence of "modules or subparts" has no logical connection to a method of organizing entities as roles (just as, for example, a disclosure of a person has no logical connection to organizing a person in an organization as a role of a president). Appropriate "modules or subparts" may be organized into roles, but such a method isn't disclosed in the cited portions of Ginter (let alone to do so through associating the electronic representations of entities with electronic representations of roles). Further, there is no disclosure that the "modules or subparts" of Ginter have associated cryptographic capabilities.

Further, Applicant submits that the cited portions of Ginter fail to disclose upon any addition, deletion or modification of an entity, a cryptographic capability, or any of their associations, maintaining roles within the organizational structure by adding, deleting or

modifying electronic representations of the entities, cryptographic capabilities, roles, or any of their associations as recited in claims 1-4, 6-15, 64 and 65.

The Actions rely on paragraphs 164, 204, 206 and 209 of Ginter. However, these cited portions of Ginter merely refer to adding, deleting or modifying completely dissimilar and unrelated items to the claimed items, such as software load modules, content control information, etc. Those are simply not entities within an organizational structure of one or more business organizations, such as, without limitation, employees in a corporation or for that matter are cryptographic capabilities of entities, roles of entities, or any of their associations. Even if they were, the cited portions of Ginter fail to identify what or how roles are being maintained. Clearly, there is nothing about the disclosed “specification” or “control information” in Ginter that indicates it is a role, an entity in an organizational structure, a cryptographic capability or any of their associations. Further, there is nothing in the cited portions of Ginter that any adding, deleting or modifying of software load modules, content control information, etc. in Ginter occurs upon any addition, deletion or modification of an entity, a cryptographic capability, or any of their associations. Rather, it appears such adding, deleting or modifying simply occurs at a user’s instruction. See, e.g., paragraph 164 of Ginter.

Rejection under 35 U.S.C. §103(a) in view of Lampson and Ginter

Without acknowledging that the cited portions of Lampson disclose or render obvious the remainder of claims 16-51 (which Applicant submits the cited portions of Lampson do not) or that Ginter and Lampson are properly combinable, Applicant submits that the cited portions of Ginter fail to overcome the admitted deficiencies of Lampson with respect to claims 16-51.

The Actions rely on paragraphs 164, 204, 206 and 209 of Ginter. However, these cited portions of Ginter merely refer to adding, deleting or modifying completely dissimilar and unrelated items to the claimed items, such as software load modules, content control information, etc. Those are simply not entities within a business organization. Rather, they are merely computer software components and cannot reasonably be considered an entity within a business organization (such as an employee). Moreover, they are simply not characteristics of entities within a business organization, or relationships of entities within a business organization as recited in and in the context of the claims. Even if the software load modules, control parameter data, information or structures, etc. of the cited portion of Ginter were entities within a business organization, the cited portions of Ginter would further fail to identify what characteristics and/or relationships those alleged entities have, let alone how Ginter discloses

changing those characteristics and relationships. At most, Ginter would merely disclose the entities and that they may be changed, but does not further identify the characteristics and relationships of those entities nor how they are changed. Further, there is nothing in those cited portions of Ginter that change of maintained electronic representations of said entities, said characteristics, and said relationships occurs upon an addition, deletion or modification of a characteristic or relationship of said entities.

Further, Applicant submits that it does not follow that the mere disclosure in Ginter that the VDE system is configurable and modular means that it discloses or teaches change of maintained electronic representations of entities within a business organization, or of characteristics of such entities, or of relationships of such entities, let alone to do so upon an addition, deletion or modification of a characteristic or relationship of such entities. Ginter's configurability and modularity is directed to something entirely different such as the adding, deleting or modifying software load modules, control parameter data, information or structures, etc. Moreover, there is no indication that any configuration or modularity action in Ginter occurs upon an addition, deletion or modification of a characteristic or relationship of entities within a business organization.

Without acknowledging that the cited portions of Lampson disclose or render obvious the remainder of claims 52-54, 56-63, 66 and 67 (which Applicant submits the cited portions of Lampson do not) or that Ginter and Lampson are properly combinable, Applicant submits that the cited portions of Ginter fail to overcome the admitted deficiencies of Lampson with respect to claims 52-54, 56-63, 66 and 67.

For example, Applicant submits that the cited portions of Ginter do not disclose or teach a maintenance system by which the database, representing entities of a business organization and their characteristics, roles and relationships, and the cryptographic capabilities are maintained in coordination and by authorized parties assuring the representation of the organization and such that the cryptographic capabilities are soundly associated as recited in claim 52. As discussed above, the cited portions of Ginter (namely, paragraphs 164, 204, 209 and 306) merely refer to adding, deleting or modifying completely dissimilar and unrelated items to the claimed items, such as software load modules, control parameter data, information or structures, etc. Those are simply not entities within a business organization or their characteristics, roles or relationships. Moreover, there is simply no disclosure in Ginter regarding maintaining in coordination a database as claimed with cryptographic capabilities as claimed.

Thus, none of the cited portions of Ginter would disclose or teach the claimed database, let alone a maintenance system to maintain coordination between the database and cryptographic capabilities (which is not even referenced in the cited portions). Indeed, there is simply no reference in the cited portions of Ginter to entities of a business organization, characteristics of entities within a business organization, or relationships of entities within a business organization as recited in and in the context of claim 52. Accordingly, the cited portions of Ginter simply would not provide any relevant teaching or suggestion to modify Lampson in any way to arrive at the claimed invention as they have little to nothing in common.

The Office Action further refers to column 8, lines 1-7 of Ginter as disclosing a database. However, a mere disclosure of a database does not disclose a database as claimed, let alone the coordination as claimed with cryptographic capabilities. The cited portion of Ginter is simply silent as to the function of the database or how it is used.

Further, the cited portions of Ginter do not disclose or teach maintenance transactions acting within said maintenance system, maintaining a view representing said organization as recited in claim 52. For example, the cited portions of Ginter do not disclose maintaining any sort of view representing a business organization. As noted, the cited portions of Ginter merely disclose a specific computer system for secure handling of information. Ginter is simply not directed to a business organization, let alone directed to entities within a business organization and the roles of entities within the business organization. Applicant submits that there is just no indication that the system of Ginter to modify software load modules, control parameter data, information or structures, etc. maintains a view of anything, let alone one representing a business organization.

CONCLUSION

Therefore, it is respectfully requested that the panel return a decision concurring with Appellant's position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections.

P.O. Box 10500
McLean, VA 22102

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

JEAN PAUL G. HOFFMAN
Reg. No. 42663
Tel. No. 703.770.7794
Fax No. 703.770.7901